

REMARKS/ARGUMENTS

Claims 1-10 remain in the application for further prosecution. Claim 1 has been amended.

Rejections Based On 35 USC §§ 102 and 103

Claims 1-4 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 200030154128 ("Liga").

Claims 5-8 and 10 are rejected under 35 U.S.C. 103 as obvious over Liga in view of Applicant's conceded prior art.

The present claims relate to a system for inserting commands into a digital programming signal. A digital ad server generates ad content and at least one message having an attached command. The message is from the generated ad content. A digital splicer receives the message from the ad server, extracts the attached command and splices the command into a digital transport stream. The digital transport stream includes program content and the command is inserted separately from the program content in the digital transport stream. Since the message with the command is inserted separately, the command may be inserted anywhere in a digital programming network.

Liga relates to insertion of up to date advertising in a personal video recorder (PVR). Such advertising is stored on the personal video recorder for insertion into recorded programming according to data in the advertising itself. (paragraph 22). The Office Action has asserted that Liga discloses a digital ad server as described as an MPEG server in paragraphs 29-30. The MPEG server is one of a number of sample storage devices in the storage array 300 located at the headend 110 in FIG. 3. The Office Action has asserted that a message (command)

is generated because the PVR is instructed on what to display as in paragraph 23. Paragraph 23 relates to embedded data in a recorded program for insertion of advertising. The Office Action has asserted that a digital splicer is inherent since the message is of the DVS 380 API format and the PVR extracts the attached command and splices the command into a digital transport stream as the advertising frame is spliced into the recorded program and displayed during a fast forward. Liga does not disclose providing separate commands derived from messages separately from programs in the digital transport stream. Paragraphs 23 and 56 of Liga indicates that data is communicated in a portion of the video signal/advertisement to instruct the PVR when to insert advertising which is the prior art method such as the DVS253 standard explained in the specification (paragraph 15, p. 7). The insertion of commands into an advertisement limits the commands to those that can inserted into the advertisement. These prior art methods slow down servers because the servers must parse commands into the advertisements.

Applicant has amended claim 1 to clarify that the command is separate from the programs in the transport stream and thus may be inserted at any time during the handling of the transport stream. Amended claim 1 is allowable over Liga because Liga inserts the command message in the ad content which prevents later insertion anywhere in the process. Liga therefore does not disclose nor suggest "the message being separate from generated ad content." Further, Liga does not disclose "the command being inserted separately from the program content in the digital transport stream." Applicant respectfully submits that amended claim 1 and its dependents are allowable over Liga.

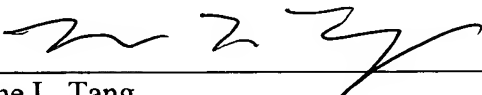
Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. It is believed that no fees are presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody Deposit Account No. 50-4181, Order No. 043978-074000.

Respectfully submitted,

Date: December 18, 2007



Wayne L. Tang
Reg. No. 36,028
NIXON PEABODY LLP
401 9th Street N.W. Suite 900
Washington, D.C. 20004
(312) 425-3900 (Telephone)
(312) 425-3909 (Facsimile)
Attorney for Applicants